

Nautilus Village

CONDUCT RULES



22 March 2019

CONDUCT RULES


The following pages outline the official Conduct Rules for Nautilus Village in Gustrouw road, Gordon's Bay, Western Cape.

We, the trustees, hereby confirm that this document constitutes all Architectural Design Guidelines as approved by the Nautilus Village Board of Trustees.

Signed on behalf of the Home Owner's Association on 22 March 2019 at
Somerset West.

Signature 

Beyers van der Merwe
Trustee 1: Name & Surname

Signature 

Brigitta Scwulds
Trustee 2: Name & Surname

Signed on behalf of the appointed Managing Agents, JPS Trust

Signature 

Bonita Earle
Name & Surname

1. PURPOSE OF THESE RULES

These Rules have been promulgated in order to promote harmonious and peaceful relations at the Complex, as far as possible making it pleasant for all owners and occupiers to live here. These Rules should be read in conjunction with the Constitution and the Architectural Design Guidelines of the Nautilus Village Home Owners' Association ('the HOA').

Owners shall take full responsibility for the actions of their visitors and occupiers. The trustees, HOA and Managing Agents will only work through owners and not visitors or tenants.

2. ANIMALS, REPTILES AND BIRDS

An owner or occupier will not keep any wild animal, reptile, poultry, pigeons, aviaries or livestock within the complex. Owners/occupiers to take note of Municipal Regulation PN658/1981 Sec 7(d)(viii) which very clearly states that dogs should at all times be kept fenced in on the premises and under no circumstances be allowed to stroll unattended. When a dog is taken for a walk, it must at all times be kept on a leash.

3. REFUSE DISPOSAL

An owner or occupier of a unit will:

- 3.1 maintain in a hygienic and dry condition, within his erf, a City of Cape Town black bin for refuse;
- 3.2 ensure that before refuse is placed in such black bin, it is securely wrapped, or in the case of tins or other containers, completely drained;
- 3.3 for the purpose of having the refuse collected, place such black bin on the collection day on the pavement. All refuse to be collected, should be placed inside the black bin as no other refuse will be taken by the Municipality. All other instances refuse has to be taken to the Municipal dump by the owner/occupier themselves;
- 3.4 when the refuse has been collected, promptly return such black bin to within the boundaries of the erf.

4. VEHICLES

- 4.1 No owner or occupier will park or stand any vehicle upon the private area or permit or allow any vehicle to be parked or stood upon any open erf, without the consent of the trustees in writing.
- 4.2 The trustees may cause to be removed or towed away, at the risk and expense of the owner of the vehicle, any vehicle parked, standing or abandoned on any open erf, without the trustees' consent.
- 4.3 Owners and occupiers of property will ensure that their vehicles, and the vehicles of their visitors and guests, do not drip oil or brake fluid on their own driveway, or on any other open erf.
- 4.4 No owner or occupier will be permitted to dismantle or effect major repairs to any vehicle on his property, or any other open erf.

5. LANDSCAPING

- 5.1 An owner or occupier will maintain the garden of his/her unit, both behind and in front of the house, in such a way that at no stage whatsoever, the investment of the owner is prejudiced or, in the discretion of the trustees, the aesthetic value of the complex is prejudiced in whatever way.
- 5.2 Owners are to maintain the verges in front of their boundary lines.

6. SUPERVISION OF CHILDREN AND DAMAGE TO PROPERTY

- 6.1 Owners and occupiers shall, at all times be personally responsible to supervise the behaviour of their children and shall be personally liable for any damage to property of the HOA or the property of other owners or occupiers as a result of the conduct of such children. Children shall not be allowed anywhere on the property or anywhere else, where the lives of such children or anyone else, would be in danger or where they could suffer injury as a result of their presence there. The trustees shall in their discretion, be entitled to take steps for removal of children or others who violate this Rule and the relevant owner or occupier shall be liable for all costs on the scale of attorney and own client. The trustees may also, in their discretion, impose a fine.

- 6.2 Owners and occupiers shall take all reasonable steps to prevent damage to the HOA property and the property of other owners by vandals or anyone else and owners or occupiers or their children who are responsible for such damage shall be personally liable for the repairs as well as any costs incurred and, in the discretion of the trustees, to a fine.
- 6.3 Children are more than welcome to play in the public park and garden area and make use of the facilities provided. Parents shall, however, ensure that their children do not play or ride bicycles in the flower beds or between the plants. There is more than enough space to play and walkways provided for walking or riding bicycles.

7. NOISE

An owner or occupier must ensure that neither he or she or any of his/her visitors or guests, may make any noise of whatever nature that will disturb any other person in the complex or adjacent buildings or area. The City of Cape Town bylaws may be consulted for an objective classification as to what classifies as noise.

8. SPEED OF ALL VEHICLES

Vehicles driven on the roads within Nautilus Village Estate, should not drive faster than 40 km/h and should be driven in a safe manner and with due regard to other road users/pedestrians and owners/occupiers of units.

9. BUSINESS

No owner or occupier will be allowed to operate any business from the premises without the prior consent of the HOA.

10. DAMAGE, ALTERATIONS OR ADDITIONS TO THE PRIVATE AREA

An owner or occupier of an erf will not mark, paint, drive nails or screws or the like into, or otherwise damage, or alter, any part of HOA property without first obtaining the written consent of the trustees.

11. MAINTENANCE

- 11.1 The owner or occupier of a property will not place or do anything on any part of the property or their private areas, including balconies, patios, stoeps, gardens and paving which, in the discretion of the trustees, is aesthetically displeasing or undesirable when viewed from the outside of the property.
- 11.2 An owner/occupier shall be obliged to maintain all existing building work and approved alterations, additions and/or decorations in a state of good order and take all reasonable steps to keep it in a clean, hygienic, neat and attractive condition. The definition of "neat" and "maintained properly" is at the discretion of the Trustees, but shall be subject to existing prescriptions as set out in the City of Cape Town's bylaws.

12. SIGNS AND NOTICES

No owner or occupier will place any sign, notice, billboard or advertisement of any kind whatsoever on any part of the private erven or his/her property so as to be visible from outside the property, without the written consent of the trustees first having been obtained. The standard estate agent "for sale" signs are exempt from this rule

13. LITTERING

An owner or occupier of an erf will not deposit, throw or permit or allow depositing or throwing on the private area or any other erven, any rubbish, including dirt, cigarette butts, food scraps, building material, grass cuttings or any other litter whatsoever.

14. LAUNDRY

An owner or occupier of a unit will not, without the consent in writing of the trustees, erect his own washing lines, nor hang any washing or laundry or any other items on any part of his or her erf so as to be visible from the outside of his/her erf or from any other erven.

15. STORAGE OF FLAMMABLE MATERIAL AND OTHER DANGEROUS ACTS

An owner or occupier will not store any material, or do or permit or allow to be done, any other dangerous act on his property or on the public area which will or may increase the rate of the premium payable by the Association on any insurance policy.

16. LETTING OF PROPERTIES

All tenants of properties and other persons granted rights of occupancy by any owner on the relevant erf, are obliged to comply with these Rules of Conduct, notwithstanding any provisions to the contrary contained in any lease or any grant of rights of occupancy.

17. LEVIES

- 17.1 Owners are to pay levies strictly on due date and may not withhold payment of levies for any reason whatsoever. If any levies are in arrears by one month or more the Managing Agents may, without further Notice, institute proceedings at the Community Schemes Ombud Service ('CSOS') or in a Court with competent jurisdiction, for recovery of such arrear levies, and all costs in connection with such arrears, will be payable by the owner concerned on the scale of attorney and own client.
- 17.2 Any owner who sells, alienates or in any way disposes of his Unit or the controlling interest in such Unit, including membership of a Close Corporation which owns the Unit, shares in a Company which owns the Unit or the interest in a Trust which owns the Unit, shall obtain from the Managing Agents, a Levy Certificate in respect of Levies and/or other amounts due in respect of the Unit and until such time as a Levy Certificate is issued, shall be personally liable for the levies and/or other amounts due in respect of such Unit as well as all costs associated with the collection of those levies/amounts on the scale of attorney and own client.

18. ENFORCEMENT OF THESE RULES

- 18.1 The trustees shall be entitled, in their discretion, to impose fines as provided for in the Constitution, on owners or occupiers who fail to comply with these Rules,
- 18.2 In addition to imposing fines, the Trustees shall have the power, in their discretion, and at the risk and cost of the relevant owner or occupier, to arrange for the removal of offending items and, if necessary to apply to CSOS or a Court for an interdict, an order for specific performance, or to claim damages on behalf of the HOA.
- 18.3 All legal costs incurred in the exercise of the remedies set out in sub-rule 18.2 above will be payable on demand by the offending owner or occupier, as the case may be and shall be recovered by the HOA on the scale of attorney and own client.

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